# CITY COUNCIL REPORT



Meeting Date:

October 18, 2011

General Plan Element:

Land Use

General Plan Goal:

Sensitively integrate land uses into the surrounding setting.

#### **ACTION**

Beer and Wine Bar Liquor License Request for AZ Wine Co. 103-LL-2011. To consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a Person and Location Transfer of a Series 7 (beer and wine bar) State liquor license for an existing location and owner.

#### **OWNER**

AZ Wine Co, Paradise Valley Wine Outlet LLC

#### APPLICANT CONTACT

Raymond Kemp

#### LOCATION

2515 N Scottsdale Rd. #15



#### **BACKGROUND**

This request is for a Person and Location Transfer of a Series 7 (beer and wine bar) liquor license. This has been a licensed location since 1993, most recently operating with liquor as AZ Wine Co. with a Series 6 (bar) license. Due to the new state requirements, the owner must replace the Series 6 (bar) license with a Series 7 (beer and wine bar license) and a Series 9 (all spirituous liquor store). Once the Series 7 has been approved, the applicant will submit the Series 9 application.

The zoning for this site is Highway Commercial District (C-3), which allows retail stores. This establishment is 5,672 sq. ft.

#### APPLICANT'S PROPOSAL

The applicant is seeking a favorable recommendation on a Person and Location Transfer of a Series 7 liquor license. This allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

#### PETITIONS FROM PERSONS IN CLOSE PROXIMITY

The applicant has maintained the required posting notice for the State mandated 20-day period. No petitions or protests pursuant to A.R.S. 4-201.b. were received during the 20 (twenty) day posting period.

#### **OTHER LICENSES & PERMITS**

#### **Financial Management**

Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Spirituous Liquor Tax Permit # Pending.

Scottsdale Transaction Privilege Sales Tax License # Pending.

#### **IMPACT ANALYSIS**

#### **Current Planning Department.**

There will not be any significant changes to the floor plan.

This owner intends to continue operating this location as a retail wine store.

**Public Safety Division.** 

**Police Department:** Recommendation Approval

Major life safety issues: None noted.

Code Enforcement: There are no current cases of code violations at this time relevant to the

liquor license.

#### STATE GUIDELINES FOR CONSIDERING AN APPLICATION

#### A.R.S. Section 4-203.A Granting a License for a New Owner for a Certain Location.

A spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant.

#### COUNCIL OPTIONS & STAFF RECOMMENDATION

#### **Council Options**

The City Council has the option of recommending approval, denial or no recommendation to the Arizona Department of Liquor Licenses and Control.

#### Staff Recommendation

The City of Scottsdale staff has conducted a review and advises that the license request meets the criteria imposed for determining the capability, qualifications and reliability of the applicant.

#### **Next Steps**

The City Council's recommendation of approval, denial or no recommendation will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 105 days of original application.

#### RESPONSIBLE DEPARTMENT(S)

Adam Yaron, Planner, ayaron@scottsdaleaz.gov Planning, Neighborhood and Transportation Division

Tom Henny, Commander Downtown Patrol District, thenny@scottsdaleaz.gov **Public Safety Division** 

Malcom Hankins, Code Enforcement Manager, mhankins@scottsdaleaz.gov **Economic Vitality Division** 

#### APPROVED BY

Tim Curtis, AICP, Current Planning Director 312-4210 tcurtis@scottsdaleaz.gov

9/21/2011

Connie Padian, Administrator 312-2664, cpadian@scottsdaleaz.gov p 9/2/11

#### **ATTACHMENTS**

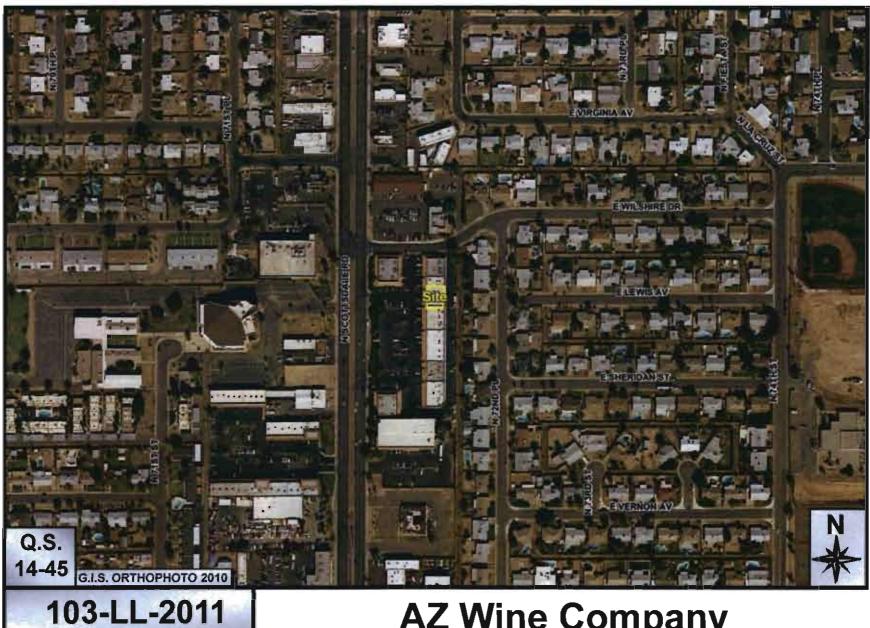
#1: Aerial Map

#2: Close-up Aerial Map

#3: City of Scottsdale Applicant Questionnaire

#4: State Application Sections 1-17

#5: State Background Information



**AZ Wine Company** 

**ATTACHMENT #1** 



**ATTACHMENT #2** 

**AZ Wine Company** 



# **Liquor License Questionnaire**

Please complete all questions and return within 3 business days.
Name of Business: AZ Wine Co
Business Address: 2515 N. Scottsdale Road, #15, Scottsdale, AZ 85257
Type of Business (restaurant, bar, grocery, retail) 95 + Per Cent Retail
Total Gross Square Footage of Establishment: 5672 with new proposed Reserve Room
Was there a previous business at this location?
Was liquor sold at this location prior to this application? Yes No If <b>yes</b> , what type of license? Type 6
Is this business currently open?
If <b>yes</b> , is this business operating with an Yes No Interim license?
If <b>no</b> , what is the proposed opening date? It is operating right now with Type 6
Is this business under construction or being remodeled? Yes Vo  Does this business have an existing patio? Yes No Dimensions of patio  Does this business have a proposed patio? Yes No Dimensions of patio
How many parking spaces are allocated to your business?
For Restaurants, Bars and Restaurants/Bars: Will the bar service area be in excess of 15% of the gross floor area? Will the kitchen be less than 15% of the gross floor area? Will age verification be required/requested for admittance at any time during business operations? Is a cover charge required for admittance at any time during business operations? Will less than 40% of gross revenues be derived from the sale of prepared food? Will less than 40% of gross revenues be derived from the sale of prepared food?
*May require a Conditional Use Permit
During what hours will the establishment provide full kitchen service? Does not
During what hours will the establishment offer liquor sales? 10 AM - 10-pm, sunday 12:00 - 5:00
Gross square footage of kitchen: No Kitchen
(do not include refrigerators or areas used for storage of food or beverages)  Gross square footage of bar service area: 1200  (includes the floor area under indoor and outdoor bars and the floor area behind the bars used for storage, prep and serving of food or drinks)

Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



# **Liquor License Questionnaire**

Please complete all questions and return within 3 business days. Will this business feature any of the following: Patron Dancing? Karaoke? Yes\* Live Bands? DJ? Yes\* oN P Amplified music? Yes\* Nο Games? Adult Entertainment? Yes\* Four or more pool tables? After hours? Yes\* \*May require a Conditional Use Permit Applicant Narrative: ARS 4-201-G: In all proceedings before the governing body of a city or town, the Board of Supervisors of a County or the Board, the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of this license. 1. I have the capability, qualifications and reliability to hold a liquor license because: I have operated this store since 1993. It ind its sister store in Carefree are among the last of the independent ly owned fine wine shops in Maricopa County with an extensive Portfolio of rare and exotic, highly rated wines. 2. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: AZ Wine is the founder and wine donation procurer for First Press fine wine auction which benefits Public Radio. It also helps the Atlas Bistro B.Y.O.B. operate by providing the wines to its customers. Atlas is consistently rated among the top. 3. Please describe your business: AZ WINE CO is a fine wine oittle shop which has wine and beer tastings

The City's forwarding of a recommendation to the AZ Department of Liquor Licenses and Control does not waive and is not a substitute for the Licensee's obligation to comply with all state, local and federal laws, policies and regulations applicable to the license. The Recommendation is not a permit or regulatory approval to hold any events or construct or demolish any improvements. Zoning processes, building permit processes, and similar regulatory requirements may apply to Licensee's contemplated Improvements and are completely separate from the Recommendation. Licensee shall be responsible to, separate and apart from this Recommendation, directly obtain all necessary permits and approvals from any and all governmental or other entities including the City's having standing or jurisdiction over the subject areas. For more information regarding zoning processes, building permit processes, and similar regulatory requirements and approvals please call 480-312-2611.

Print Name: Raymond H. Klemp Signature: Raymond H. Klemp Date: Sept 9, 2011

#### Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

#### Arizona Department of Liquor Licenses and Control 800 West Washington, 5th Floor Phoenix, Arizona 85007 www.azliquor.gov 602-542-5141

# APPLICATION FOR LIQUOR LICENSE TYPE OR PRINT WITH BLACK INK

103·LL·2011

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

the Liquor Licensing requirements.	at proof of accompanies within the mat have yours. One page of or
SECTION 1 This application is for a:	SECTION 2 Type of ownership:
MORE THAN ONE LICENSE	SCOTION 2 Type of ownership.
☐ INTERIM PERMIT Complete Section 5	☐ J.T.W.R.O.S. Complete Section 6
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16	☐ INDIVIDUAL Complete Section 6
PERSON TRANSFER (Bars & Liquor Stores ONLY)	PARTNERSHIP Complete Section 6
Complete Sections 2, 3, 4, 11, 13, 15, 16	☐ CORPORATION Complete Section 7
LOCATION TRANSFER (Bars and Liquor Stores ONLY)	ALIMITED LIABILITY CO. Complete Section 7
Complete Sections 2, 3, 4, 12, 13, 15, 16	☐ CLUB Complete Section 8
☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE	☐ GOVERNMENT Complete Section 10
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)	☐ TRUST Complete Section 6
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16	OTHER (Explain)
SECTION 3 Type of license and fees LICENSE #(s): 07 0	70160
1. Type of License(s): Type 7	Department Use Only
2. Total fees attach	
APPLICATION FEE AND INTERIM PERMIT FEES (IF	
The fees allowed under A.R.S. 44-6852 will be	· · · · · · · · · · · · · · · · · · ·
SECTION 4 Applicant	
Mr.	
1. Owner/Agent's Name: Ms. Klemp	Raymond Haw
(Insert one name ONLY to appear on license)  Last	' First Middle
<ol><li>Corp/Partnership/L.L.C.: AZ Wine Company, Paradise Valley</li></ol>	
(Exactly as it appears on Articles of Inc. or Article	s of Org.)
3. Business Name: AZ Wine Co	
(Exactly as it appears on the exterior of premises	;)
A D LOL II. ( 2515 N Conttodolo Dd # 15 Contt	radalo Marigona 05257
<ol> <li>Principal Street Location <u>2515 N Scottsdale Rd.# 15 Scott</u> (Do not use PO Box Number)</li> </ol>	csdale Maricopa 85257 City County Zip
· · · · · · · · · · · · · · · · · · ·	
5. Business Phone: 480-423-9305 Daytime Co	ontact: 480 423-4305
<ol><li>Is the business located within the incorporated limits of the above city</li></ol>	ortown? ⊠YES □NO
7. Mailing Address: 2515 N Scottsdale Road. #15. Scottsda	le. AZ 85257
City  8. Price paid for license only bar, beer and wine, or liquor store: Type 1	tat <del>e</del> Zip 7 \$ 10 . 000 Type \$
DEPARTMENT USE O	ONLY
	<u></u>
Fees: 200. <sup>60</sup>	200 00
Application Interim Permit Agent Change Club	Finger Prints \$ 200.
<b>3 3</b>	TOTAL OF ALL FEES
Is Arizona Statement of Citizenship & Alien Status For State Bene	erits complete? YYES NO
	lic# / 07070160
Accepted by: Date: 8/91/11	LIC.#

July 2010

#### SECTION 5 Interim Permit:

<ol> <li>If you inter 4-203.01.</li> </ol>	nd to operate bu	isiness wh	en your ap	plication is pendi	ng you will need an	Interim Permit	pursuant to A.R.S.
2. There <b>MUS</b>	T be a valid lice	nse of the	same type	you are applying	g for currently issued	d to the locatio	n. 25
				n	-		C. C. Sanda
4. Is the licens	e currently in us	se? 🗆 YE	s□no	If no, how k	ong has it been out o	of use?	
4 TT 4 OU TUE	LIGENAE OUE	BENTIN	1001155 4	T TUE ! 00 1 TH		0.4.T/O.L/	Ejű
					N TO THIS APPLIC		्रिके (1)
l ,(Print	full name)	, decla	re that I an	the CURRENT	OWNER, AGENT,	CLUB MEMB	ER, PARTNER, 🖫
					h applies) of the sta		
					State of	Cour	nty of
X	(Signature)			7	he foregoing instru	ment was ackr	nowledged before me
	expires on:				day of _	Month	. Year
<b>,</b>					Day	MOHUT	Teal
					(Signatu	re of NOTARY PU	JBLIC)
EACH PERSON LIST FOR EACH CARD. 1. Individual:	TED MUST SUBMIT A	(COMPLETE	O QUESTIONN	AIRE (FORM LICO101),		INGERPRINT CARD	), AND \$24 PROCESSING FE
Last	First		Middle	% Owned	Mailing Address		City State Zip
Partnership Na	me: (Only the f	rst partne	r listed will a	appear on license	e)		
General-Limited	Last	First	Middle	% Owned	Mailing Address		City State Zip
	_						
			going to sh		et IF NECESSARY) osses of the busine person(s). Use add		S  NO
Last	Firs		Middle	Mailing Addres		City, State, Zip	Telephone#
					,		
				_		_	

EACH PERSON LIS		PLETED QUESTIONNAIRE (F	ORM LICO10	1), AN "	APPLICANT" TYPE FINGERPRINT	CARD, AND \$24 PROCESSING	
		Complete questions	1, 2, 3, 5,	6, 7, a	and 8.		
	L.C. Complete 1, 2,						
1. Name of Co					alley Wine Outlet. Linding or Articles of Organization)	LC	(3)
2 Deta lace	·	, , , , ,			-		<u> </u>
	_			e inico	rporated/Organized: Axiz		-
•	_	e No. <del>: <u>ь-0765319-</u></del>	<u>2</u>		Date authorized to do bus		0
4. AZ L.L.C. F	file No:	765319-2		Date :	authorized to do business ir	n AZ: <u>2/21/1996</u>	18 TO
5. Is Corp./L.L	.,C. Non-profit? 🗆 Y	ES DINO					0
6. List all direct	ctors, officers and mo	embers in Corporatior Middle	n/L.L.C.: Title		Mailing Address	City State 2	7in
Last	1 hat	widdle	Manas	sìng	Walling / Wall Coo	ony ounc 2	<u> P</u>
Klemp	Raymond	Haw	Memog	CT.	7800 N. El Arroyo Ro	oad. Paradise Vv.,	AZ
<b>7</b> 12 4 4 11		•			T IF NECESSARY)		
/. List stockho Last	olders who are contr First	olling persons or who Middle	OWN 10% % Owned		ore: Mailing Address	City State Zip	
Klemp	Raymond	Haw	100	780	O N El Arroyo Road.	Paradise Vv. A7852	253
KICIND	RayMona	naw.	100	, 00	o w zi iziojo koda:	77.712032	
		(ATTACH A	DDITIONAL	SHEE	T IF NECESSARY)		
					tage of ownership chart, an		
SECTION 8	Club Applicants:			_			
	•	LETED QUESTIONNAIRE (FC	ORM LICO101),	, AN "A	PPLICANT" TYPE FINGERPRINT CA	RD, AND \$24 PROCESSING FE	E
for Each card.  1. Name of Cl	lub.				Date Chartere	d·	
1. Name of Ci		ars on Club Charter or Byla	iws)			a a copy of Club Charter or Byla	aws)
2. Is club non-	-profit? ☐ YES [	□ио					
3. List officer a	and directors:						
Last	First	Middle	Title		Mailing Address	City State Zip	

SECTION 7 Corporation/Limited Liability Co.:

Current Licensee's Nam     (Exactly as it appears on license)	ne:	Last	First	Middle	<del></del>
, , , , , , , , , , , , , , , , , , , ,				Modic	n.
2. Assignee's Name:				Middle	
3. License Type:	<del></del>			of Last Renewal:	G 3
A. ATTACHTO THIS APPLICA DECREE THAT SPECIFICA DECREE THAT SPECIFI	ALLY DISTRIBUTES TH	HE LIQUOR LICENSE	TO THE ASSIGNEE TO		
DED HON TO	ent. (10) claes, town	is, or counties on	' <i>Y</i>		1
Governmental Entity:		2.2.2			L7)
2. Person/designee:	Last	First	Middle	Contact Phone	Number
A SEPARATE LICENS	E MUST RE ORTAIN	ED EOR FACH PRI		I SPIRITUOUS LIQUO	R IS SERVED
SECTION 11 Person to	Person Transfer:				
Questions to be completed	d by CURRENT LICE	ENSEE (Bars and L	_iquor Stores ONLY-	Series 06,07, and 09)	
1. Current Licensee's Name				Entity:(Inc	
(Exactly as it appears on license	e) Last	First	Middle	(Inc	liv., Agent, etc.)
2. Corporation/L.L.C. Name	e: (Exactly as it appea				
3. Current Business Name:					
or out one parameter raine.	(Exactty as it appear				
I. Physical Street Location	of Business: Street _				
	City, State, Zip _				
5. License Type:	Lice	ense Number:			
6. Current Mailing Address:	Street				
(Other than business)					-
	City, State, Zip _				
7. Have all creditors, lien ho	olders, interest holder	s, etc. been notified	d of this transfer?	] YES □ NO	
<ol> <li>Does the applicant intended 5 of this application, attached</li> </ol>	d to operate the busin ach fee, and current t	ness while this appli icense to this appli	ication is pending? □ ication.	YES□NO If yes, o	omplete Section
9. 1, Mary Helen (print full name)	Baron	, hereby auth	norize the department	to process this applica	ation to transfer th
privilege of the license to conditions, I certify that t	the applicant now ow	ns or will own the p	roperty rights of the li-	cense by the date of is	sue
I, Mary Helpr print full name	, Barol	declare that	I am the CURRENT (	OWNER, AGENT, ME	MBER, PARTNEF
STOCKHOLDER, or LIC true, correct, and comple	ENSEE of the stated	d license. I have re	ead the above Section	n 11 and confirm that a	all statements are
<b>〈</b>	CURRENT LICENSEE)		State of	County of _	
101 1 5	CURRENT LICENSEE)		The foregoing ins	strument was acknowle	edaed before me t
(Signature of	ooralen side idee,		The follogoing in		
(Signature of	oor were close to see		Day		Year



(Signature of NOTARY PUBLIC)

Current Licensee's Name xactly as it appears on ticense)		Last	First	Middle	
Assignee's Name:	Last	Fus		141.i.n.	
License Type:		Number:		Middle ast Renewal:	
				NSTRUMENT, OR DIVORCE	
DECREE THAT SPECIFICAL	LYDISTRIBUTES	THE LIQUOR LICENSE T	TO THE ASSIGNEE TO T	HIS APPLICATION.	
ECTION 10 Governmen	nt: (for cities, toy	wns. or counties only			
	(	····, ··· · · · · · · · · · · · · · · ·	•		
Governmental Entity:					
Person/designee:					
	Last	First	Middle	Contact Phone Number	
A SEPARATE LICENSE	MUST BE OBTAI	INED FOR EACH PREM	MISES FROM WHICH S	PIRITUOUS LIQUOR IS SER	VED.
ECTION 11 Person to I	Person Transfer:				
estions to be completed	by CURRENT LIC	CENSEE (Bars and Lic	quor Stores ONLY-Ser	tes 06,07, and 09).	
Current Licensee's Name:	Baron	Mary	Helen	_ Entity: Agent	
(Exactly as it appears on license)	Last	First	Middle	(Indiv., Agent,	ctc.)
Corporation/L.L.C. Name:	Pizza Hut of A	<u>-</u>			
	(Exactly as it app				
Current Business Name:	Pizza Hut #20: (Exactly as it app				
	, , , ,,	•			
Physical Street Location o	181				
		Mesa, AZ 85203			
License Type: 07/Beer & Wit	ne Bar Li	icense Number: 0707	0160		
Current Mailing Address:	Street	14841 Da	Ilas PKW	4	
(Other than business)	City State 7in	Dallas,	TX 7521	40	
			720 730		
Have all creditors, lien hold					
Does the applicant intend 5 of this application, attack	to operate the bus	siness while this applicate the sample	ation is pending? DY	ES⊠NO If yes, complete	Section
,,	arrice, and ourren	it neerise to this applied	adon,		
ı, Mary Baron		, hereby autho	orize the department to	process this application to tr	ransfer
(print full name) privilege of the license to	the applicant, pro-	vided that all terms and	d conditions of sale are	met. Based on the fulfillme	nt of the
conditions, I certify that th					
I, Mary Baron		, declare that I	am the CURRENT OW	NER, AGENT, MEMBER, F	PARTNI
(print full name) STOCKHOLDER, or LICE	NSEE of the stat	ted license. I have rea	ed the above Section 1	1 and confirm that all staten	nents a
true, correct, and complet			<b>\1</b>	202	_
Mons	<u> </u>		_ State of £	County of Y X	$\Omega$
(Signature of C	URRENT LICENSEE)	1	The foregoing instru	ment was acknowledged be	fore me
· •	121 20	112	OXUday	of Month OUI	Your
	1 . T N. (H)	11 -		mores O	Year
y commission expires on:_	1 00			CLIVI 1714	(

CHRISTINE CARRO
Notary Public - Arizona
Maricopa County
My Comm. Explres Jul 31, 2013



# DEPARTMENT OF LIQUOR LICENSES AND CONTROL ALCOHOLIC BEVERAGE LICENSE

# License 07070160

Issue Date: 1/1/1986

Expiration Date: 2/29/2012

Issued To:
MARY HELEN BARON, Agent

PIZZA HUT OF AMERICA INC, Owner

Beer & Wine Bar

Location:

PIZZA HUT #203022 60 N GILBERT RD MESA, AZ 85203 Mailing Address:

MARY HELEN BARON
PIZZA HUT OF AMERICA INC
PIZZA HUT #203022
1484 L DALLAS PKWY
DALLAS, TX 75240

POST THIS LICENSE IN A CONSPICHOUS PLACE

## Bill of Sale

IN CONSIDERATION OF THE SUM OF:

\*\*\* Ten Thousand Dollars And No Cents \*\*\*lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

BBH Food, LLC, a Delaware Limited Liability Company

hereby grants, bargains, sells and transfers unto the BUYER:

AZ Wine Company, Paradise Valley Wine Outlet, LLC, an Arizona Limited Liability Company

and his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

That certain State of Arizona Liquor License #07070160

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath, that he, she or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

DATED: August 5, 2011

BBH Food, LLC, a Delaware Limited Liability

Сотрацу

Nicole Nguyen Householder, Manager

State of Jexas State of Collins

On August 5, 2011, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nicole Nguyen Householder, Manager personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(han - a - 1

Escrow No.: 00111289



### Bill of Sale

#### IN CONSIDERATION OF THE SUM OF:

\*\*\*For the sum of One Dollar (\$1.00) and other due consideration\*\*\*lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

#### Pizza Hut of America, Inc., a Delaware Corporation

Hereby grants, bargains, sells and transfers unto the BUYER:

#### BBH Food, L.L C.

And his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

That certain State of Arizona Liquor License #: 07070160

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath, that he, she or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein, Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

DATED: March 22, 2010

Pizza Hut of America, Inc., a Delaware Corporation

John J. Murphy, President

State of TEXAS }ss:

County of Dallas

On March 22, 2010 before me the undersigned, a Notary Public in and for said County and State, personally appeared John J. Murphy President personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Caula D. Childen



#### APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE 1. Current Business: (Exactly as it appears on license) New Business: (Physical Street Location) License Number: 07070/60 3. License Type: // / 4. If more than one license to be transferred: License Type: License Number: open-fir bus What date do you plan to open? a live add o arm 5. What date do you plan to move? Alveadu SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12): A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with... kindergarten programs or grades one (1) through (12) or within three hundred (300) horizonal feet of a fenced recreational area adjacent to such school-building. The above paragraph DOES NOT apply to: a) Restaurant license (§ 4-205.02) c) Government license (§ 4-205.03) b) Hotel/motel license (§ 4-205.01) d) Fenced playing area of a golf course (§ 4-207 (B)(5)) 1. Distance to nearest school: 2500 ft. Name of school Coronado High School Address 2501 N. 47 th Street, Scottsdale, AZ 85257 City, State, Zip 2. Distance to nearest church: 650 ft. Name of church Scottsdale Baptist Church Address 2500 N. Scottsdale Road. Scottsdale. Az 85257 City, State, Zip ☐ Sublessee ☐ Owner ☐ Purchaser (of premises) 3. I am the: Lessee 4. If the premises is leased give lessors: Name Address City, State, Zip 4a. Monthly rental/lease rate \$\_\_\_\_\_ What is the remaining length of the lease \_\_\_ yrs. \_\_\_\_mos. 4b. What is the penalty if the lease is not fulfilled? \$ or other (give details - attach additional sheet if necessary) 5. What is the total <u>business</u> indebtedness for this license/location excluding the lease? \$ 340,000.00 Please list debtors below if applicable. \_\_\_\_ City State Last First Middle Amount Owed Mailing Address MSB2010. LLC 340.000 230 Cross Keys Ofc Park. Fairport, NY 1445 14450

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Retail Wine Store and tasting room

#### **SECTION 13 - continued**

7.	Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  ☐ YES 図 NO If yes, attach explanation.
8.	Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?   YES  NO
9.	ls the premises currently licensed with a liquor license? ☑ YES ☐ NO If yes, give license number and licensee's name:
Lic	cense # 06070181 (exactly as it appears on license) Name Raymond Haw Klemp
<u>s</u>	ECTION 14 Restaurant or hotel/motel license applicants:
1.	Is there an existing restaurant or hotel/motel liquor license at the proposed location?   If yes, give the name of licensee, Agent or a company name:   and license #:
	and license #:
2.	Last First Middle  If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3.	All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4.	As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.
	applicant's signature
	As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.
<u>-</u>	CTION 45 Discussion of Drawings (Pluggaints and accounted discuss much be on this form)
	<u>ECTION 15</u> Diagram of Premises: (Blueprints not accepted, diagram must be on this form) Check ALL boxes that apply to your business:
1.	
	☐ Entrances/Exits ☐ Liquor storage areas ☐ Patie: ☐ Contiguous ☐ Date in vindous
2.	☐ Service windows ☐ Drive-in windows ☐ Non Contiguous  Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO  If yes, what is your estimated opening date?
	month/day/year
3.	Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4.	The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5.	Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.
	As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service

windows, or increase or decrease to the square footage after submitting this initial drawing.

6

a

Diagram Attached	
	TO DESCRIPTION OF THE PROPERTY
	(전) 원
<u> </u>	
SECTION 16 Signature Block	
, <u>Naymond Haw Kleme</u> , hereby declare that (phint full name of applicant) application as stated in Section 4, Question 1. I have read this a rue, correct and complete.	
(signature of applicant listed in Section 4, Question 1)	
NOTARY PUBLIC-STATE OF UTAH	County of/
COMM. EXP. 01-23-2013	
Day	

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed

#### ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor Phoenix AZ 85007-2934 (602) 542-5141

#### QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This Information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view. Ciq. Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit. TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE. Liquor License # Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted. 00070101 07070160 The fees allowed by A.R.S, § 44-6852 will be charged for all dishonored checks. (If the location is currently licensed) ☑ Controlling Person 1. Check Manager (Only) (Complete Questions 1-19) appropriate (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager Controlling Person or Apont must box -Raymond Klemp Date of Bi 2. Name: (NOT a Public Record) Middle i ast 3 . Social Security Number Drivers License (NOT a public record) (NOI a public record) . Place of Birth: Fayetteville USA Height 6'2" Weight 220 State Country (not county) 480-577-1737 Daytime Contact Phone: 5. Marital Status 🔲 Single 🔯 Married 🗋 Divorced 🗋 Widowed Carol Ann Klemp Name of Current or Most Recent Spouse: First (List all for last 5 years - Use additional sheet if necessary) Last Middle Maiden (NOT a public record) 7. You are a bona fide resident of what state? Arizona If Arizona, date of resider... 8 Telephone number to contact you during business hours for any questions regarding this document.  $\frac{480-905-9209}{1000}$ 9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card. Wishing Plaza, AZ WINE Co 480-423-9305 Premises Phone: 10. Name of Licensed Premises: 2515 N. Scottsdale Road, #15, Scottsdale. Maricopa. 85257 11. Physical Location of Licensed Premises Address: Street Address (Do not use PO Box #) County 12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st. **EMPLOYER'S NAME OR NAME OF BUSINESS** DESCRIBE POSITION FROM TO OR BUSINESS (street address, city, state & zip) Month/Year Month/Year Owner, AZ Wine Co 3/2000 CURRENT ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION 13. Indicate your residence address for the last five (5) years: RESIDENCE Street Address FROM Rent or State Month/Year Month/Year If rented, attach additional sheet with name, address and phone number of landlord City Zip 7800 N El Arroyo Road, Paradise Valley, AZ 85253 P.V. 3//2001 85253 CURRENT

LIC 0101 9/24/2009

If you checked the Manager box on the front of this form skip to	# 15	
14. As a Controlling Person or Agent, will you be physically present and oper if you answered YES, how many hrs/day? four , and answer #14:		☑YES ☑NO
14a. Have you attended a DLLC-approved Liquor Law Training Course within if the answer to # 14a is "NO", course must be completed before is an existing license.	n the past 5 years? (Must provide proof)	☑YES ☐NO
15. Have you been <u>detained</u> , <u>cited</u> , <u>arrested</u> , <u>indicted</u> or <u>summoned</u> ordinance, regardless of the disposition, even if dismissed or extended only traffic violations that were alcohol and/or drug relations.	cpunged, within the past ten (10) years	☐YES ☑ NO
<ol> <li>Are there <u>ANY</u> administrative law citations, compliance actions or summonses <u>PENDING</u> against you or <u>ANY</u> entity in which you</li> </ol>		☐YES ☑ NO
17. Have you or any entity in which you have held ownership, beer EVER had a business, professional or <u>liquor application or licer</u> <u>or fined</u> in this or any other state?	-	☑YES □ NO
18. Has anyone EVER filed suit or obtained a judgment against you misrepresentation?	រ្ន, the subject of which involved <u>fraud or</u>	□YES ☑ NO
<ol> <li>Are you <u>NOW</u> or have you <u>EVER</u> held <u>ownership</u>, been a <u>contr</u> <u>director</u> or <u>manager</u> on <u>any other liquor license</u> in this or any other</li> </ol>		☑YES ☑NO
lf any ağswer to Questions 15 through 19 is " <u>YES"</u> <u>Give complete details</u> including dates, agend SUBSTANTIVE CHANGES TO THIS APPL	cies involved, and dispositions.	N 10 2 3 4
20. I, Raymond Haw Klemp, hereby declement (print full name of Applicant) filing this questionnaire. I have read this questionnaire and all states	are that I am the APPLICANT/REPRESE	NTĄTIVE K
(Signature of Applicant)	State of 4 tah County of 4)	osckh
	The foregoing instrument was acknowledge	d before me this
JANET WINTERS	Month	Year
COMM. EXP. 01-23-2013	(Signature of NOTARY PUBLIC)	
COMPLETE THIS SECTION ONLY IF YOU ARE APPROVING A MANAGE		GENT
21. The applicant hereby authorizes the person named on this que The manager named must be at least 21 years of age.	stionnaire to act as manager for the name	d liquor license.
The manager harmon mast be at least 27 years of age.	State ofCounty of	
	The foregoing instrument was acknowledge	ed before me this
XSignature of Controlling Person or Agent (circle one)	day of Month	
,		
Print Name	(Signature of NOTARY PUBLIC)	
My commission expires on:		

Year

Day

Month

#17

Citations and Correcting additions to the AZ WINE Employees Manual.

Violation dated June 7, 2008: Licensee/employee authorized liquor removed from premises in broken package.

Person who removed the liquor was investigator from AZ DLLC.

Change to Employee Policy Manual: Anyone who purchases a bottle of wine for consumption on AZ WINE's premises (hereafter a "Patron:), and who consumes food to accompanyhis purchase, may remove his/her bottle from the premises by replacing the cork/closure on the bottle and taking the bottle with them from the premises. with them from the premises.

If the Patron is drinking a bottle of wine unaccompanied by a meal and wishes to remove the bottle prior to finishing it, he must be informed he cannot do so. He may:

- 1. Order a meal and may then be allowed to remove the bottle after the meal has arrived.
- 2. Finish consuming the bottle.
- 3. Return it to his server who must immediately dispose of its contents by pouring it down the drain.
- 4. If the patron is inebriated after finishes the bottle offer to get him a taxi.

#### Violation Dated June 7, 2008: Employee consuming on duty.

When on duty an employee of AZ WINE may not sample and spit while behind the bar or while behind the counter in the cash register area.

When on duty an employee may sample and spit when situated at a tasting area in the open floor area.

Under no circumstances may the employee swallow wine or other spiritous product he is sampling while on duty.

An off duty employee may participate in any wine event held at AZ WINE, e.g. tasting or dinner.

#### Violation Dated June 9, 2008: Storage on unlicensed Premises.

In the event wine is deemed to be defective, and, failing in all attempts to obtain a credit from the distributor, It must be:

- 1. Disposed of in a dumpster.
- 2. Sold or given to a Series 1 license holder for recycling.

Raymond H Klemp

August 30, 2011

#### To Whom It May Concern

I, Raymond Haw Klemp, have owned a 50% interest in AZ Wine Outlet Party Rentals and Appliances LLP, since 2007. The store is located at 15001 N. Hayden Road, Suite 109, Scottsdale, Arizona. The liquor license number is 07070160. That store has just closed for business.

Raymond H. Klemp

Raymed H Klemp



# ARIZONA STATEMENT OF CITIZENSHIP AND ALIEN STATUS FOR STATE PUBLIC BENEFITS

#### **Professional License and Commercial License**

Department of Liquor Licenses and Control

07070160

Liquor License #: \_\_\_\_

Ownership Name: AZ Wine Company, paradise Valley Wine Outlet, LLC
(as listed on the current liquor license application or renewal application)
Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrants, and certain aliens paroled into the United States are eligible to receive state or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.
Arizona Revised Statutes § 1-501 requires, in general, that a person applying for a license must submit documentation to the licensing agency that satisfactorily demonstrates that the applicant is lawfully present in the United States.
Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III. Submit this completed form and copy of one or more documents that evidence your citizenship or alien status with your application for license or renewal.
SECTION I — APPLICANT INFORMATION
APPLICANT'S NAME (Print or type) Raymond Haw Klemp DATE August 23, 2011
TYPE OF APPLICATION (check one) X INITIAL APPLICATION RENEWAL
TYPE OF APPLICATION (check one) X INITIAL APPLICATION RENEWAL  TYPE OF LICENSE Type 7
<u> </u>
TYPE OF LICENSE Type 7
TYPE OF LICENSE  Type 7  SECTION II — CITIZENSHIP OR NATIONAL STATUS DECLARATION  Directions: Attach a legible copy of the front, and the back (if any), of a document from the attached List A or other
TYPE OF LICENSE  Type 7  SECTION II — CITIZENSHIP OR NATIONAL STATUS DECLARATION  Directions: Attach a legible copy of the front, and the back (if any), of a document from the attached List A or other document that demonstrates U.S. citizenship or nationality. Name of document provided: US Passport
TYPE OF LICENSE  Type 7  SECTION II — CITIZENSHIP OR NATIONAL STATUS DECLARATION  Directions: Attach a legible copy of the front, and the back (if any), of a document from the attached List A or other document that demonstrates U.S. citizenship or nationality. Name of document provided: US Passport  A. Are you a citizen or national of the United States? (check one)   X Yes   No  B. If the answer is "Yes," where were you born? List city, state (or equivalent), and country.

#### SECTION III — ALIEN STATUS DECLARATION

**Directions:** To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of the <u>front, and the back (if any)</u>, of a document from the attached List B or other document that evidences your status. A.R.S. § 1-501. Name of document provided:

"Qualif	ied Alien" Status (8 U.S.C.§§ 1621(a)(1), -1641(b) and (c))
□ 1.	An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
□ 2.	An alien who is granted asylum under Section 208 of the INA.
□ 3.	A refugee admitted to the United States under Section 207 of the INA
☐ 4.	An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
☐ 5.	An alien whose deportation is being withheld under Section 243(h) of the INA.
☐ 6.	An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
	An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education are Act of 1980).
□8. cruelty i	An alien who is, or whose child or child's parent is a "battered alien" or an alien subjected to extreme n the United States.
Nonim	nigrant Status (8 U.S.C.§ 1621(a)(2))
□9. persons	A nonimmigrant under the Immigration and Nationality Act [8 U.S.C. § 1101 et seq.] Nonimmigrants are who have temporary status for a specific purpose. See 8 U.S.C. § 1101(a)(15).
Alien Pa	aroled into the United States For Less Than One Year (8 U.S.C.§ 1621(a)(3))
□10.	An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA
Other P	Persons (8 U.S.C.§ 1621(c)(2)(A) and (C))
□ 11.	A nonimmigrant whose visa for entry is related to employment in the United States, or
□ 12.	A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
☐ 13.	A foreign national not physically present in the United States.
Otherw	ise Lawfully Present (A.R.S. § 1-501)
□ 14.	A person not described in categories 1-13 who is otherwise lawfully present in the United States. PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C.§ 1621(a).

#### SECTION IV — DECLARATION

All applicants must complete this section. I declare under penalty of perjury under the laws of the state of Arizona that the answers I have given are true and correct to the best of my knowledge.

APPLICANT'S SIGNATURE

TODAY'S'DATE

# B

#### Arizona Department of Liquor Licenses and Control 800 West Washington, 5th Floor Phoenix, Arizona 85007 www.azliquor.gov 602-542-5141

#### CERTIFICATE OF TITLE 4 TRAINING COMPLETION

	Do Not Duplicate This F			n original form.	
Certificates must be co	mpleted by a state-approved training cou	rse provider, in b	olack ink, on a	n original form. 🙃	
Cotto Gen 21, 20 Training Completion BASIL EXP: [DIZO]  Mat. Ext. 10 [20]  Certificate Expiration (MANAGEMENT - 5 years from completion) (BASIC - 3 years from completion)	n Date Typ  201 ≥ Yes [  ≥014 Yes [  n Date	nt) \ ne of Training (  No BASIC  No MANAGE  No BOTH	Ye	No OFF SALE	
Name of Licensee	Business Name		Lia	or License #	
Matric of Exerisee Dabliness Harrie			2400/ 250/ 8		
	RED MOUNTAIN LIQUOR CONS  Company or Individual Name ( P.O. BOX 20882			_	
	Address				
MESA	ARIZONA 85277	(480	) 985	8697	
City	State Zip		Daytime Contact Phone ₩		
Administrative Gode, and the training co	successfully completed the training specified aburse curriculum approved by the Department of LARRY ELLIGET  Name of Trainer (please er Signature	Liquor Licenses an		vised Statue, Arizona  21 / 09  Date	
after November 1, 1997.	ory Title 4 liquor law training is required prior to	the issuance of all		se applications submitted	

The persons(s) required to attend both the BASIC and MANAGEMENT Title 4 liquor law training, on- or off-sale, will include all of the following: Owner(s)

Licensee/agent or manager(s) actively involved in daily business operation

A valid (not expired) Certificate of Title 4 Training Completion must be submitted to the Department of Liquor Licenses and Control before a liquor license application is considered complete.

Before acceptance of a manager's questionnaire and/or agent change for an existing liquor license, proof of attendance for the BASIC and MANAGEMENT Title 4 liquor law training (on- or off-sale) is required.